

Claims 11-13 were rejected under 35 U.S.C. § 251 as being improperly broadened in a reissue application made and sworn to by the Assignee and not the Patentee. Claims 11-13 have been canceled; however, new claims 14-19 have been added. After a further review of the application, it is brought to the Examiner's attention that the original reissue declaration was made and sworn to by the inventor. Additionally, in accordance with the requirements of 37 CFR § 1.172(MPEP Section 1410.01), previously filed with the reissue application was the requisite written consent of the Assignee; however, the reissue declaration itself was not made and sworn to by the Assignee.

It is also noted that in the original filing of the reissue application, two documents were submitted by the Assignee, namely, the Statement Under 37 CFR §3.73(b), and the Written Consent of the Assignee. It is Applicant's understanding that despite the original reissue declaration being made and sworn to by the inventor, it was still necessary to have the Assignee act in the application in terms of offering to surrender the patent since the Assignee owns the patent. Accordingly, the reason why the Statement Under 37 CFR § 3.73(b) was filed along with the Consent of the Assignee was to allow the filing of the Offer to Surrender.

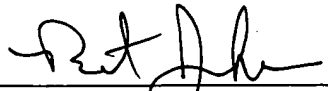
Also filed herewith is the Original Patent Certificate.

Applicant has made a sincere effort to respond to the Office Action dated December 16, 2002; therefore, it is earnestly requested that the Examiner move forward with examination of the reissue application.

In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Brent P. Johnson
Registration No. 38,031
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 3/12/03